

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION

Civil Action No. 52 C 1640

UNITED STATES OF AMERICA, PLAINTIFF,
vs.

EMPLOYING PLASTERERS ASSOCIATION OF CHICAGO,
JOURNEYMEN PLASTERERS' PROTECTIVE AND BE-
NEVOLENT SOCIETY, LOCAL NO. 5, O.P. & C.F.I.A.,
AND BYRON WILLIAM DALTON, DEFENDANTS.

STATEMENT AS TO JURISDICTION

In compliance with Rule 12 of the Supreme Court of the United States, as amended, the United States of America submits herewith its statement particularly disclosing the basis upon which the Supreme Court has jurisdiction on appeal to review the judgment of the district court entered in this cause on July 20, 1953. A petition for appeal is presented to the district court herewith, to wit, on September 18, 1953.

OPINION BELOW

The opinion of the district court for the Northern District of Illinois is not yet reported. A copy of the opinion is attached hereto as Appendix A.¹ *

¹ The court's opinion also covers a related civil case (*United States v. Employing Lathers Association of Chicago and*

JURISDICTION

The jurisdiction of the Supreme Court to review by direct appeal the judgment entered in this cause is conferred by Section 2 of the Expediting Act of February 11, 1903, 32 Stat. 823, 15 U.S.C. 29, as amended by Section 17 of the Act of June 25, 1948, 62 Stat. 869.

The following decisions sustain the jurisdiction of the Supreme Court to review the judgment on direct appeal in this case:

United States v. Women's Sportswear Mfg. Assn., 336 U. S. 460.

United States v. New Wrinkle, Inc., 342 U.S. 371.

QUESTION PRESENTED

The complaint charges the defendants with conspiring to limit those who may engage in the business of plastering contracting in the Chicago area, which business consists of furnishing and installing, pursuant to contracts with general contractors or builders, plastering materials in buildings. Boycotts and work slowdowns were among the means alleged to have been employed to effect this conspiracy. The complaint alleges that the major part of the materials purchased and installed by the plas-

Vicinity, et al., Civ. No. 52 C 1639) in which the United States is concurrently petitioning for appeal, and two criminal proceedings, which respectively parallel the two civil cases. The judgments of dismissal in the criminal cases have been appealed to the Court of Appeals for the Seventh Circuit, but these appeals will be held in abeyance pending determination of the civil appeals.

* (Clerk's note. This opinion is identical with that printed as Appendix "A" to the Statement as to Jurisdiction in No. 439 and is not reprinted here).

tering contractors in the Chicago area are shipped from outside the state for use in such installation; that substantial quantities of the materials so shipped and installed are purchased by building material dealers in response to prior orders from plastering contractors; that substantial quantities of the materials purchased by plastering contractors through building material dealers are shipped from out-of-state sources directly to the job site; that the foregoing plastering materials flow in a continuous, uninterrupted stream from outside the state to the places of installation in the Chicago area; that the services performed by plastering contractors are an integral part of, and necessary to, this continuous interstate movement; and that restraint upon and interference with the business of plastering contracting in the Chicago area affects, burdens and restrains this interstate movement.

The question presented is whether such allegations show that the conspiracy charged against the defendants restrained or monopolized commerce which is interstate, so as to bring defendants' conduct within the prohibitions of the Sherman Act.

STATUTE INVOLVED

The pertinent provisions of Sections 1, 2, and 4 of the Act of July 2, 1890, 26 Stat. 209, as amended (15 U.S.C. 1, 2, 4) commonly known as the Sherman Act, are as follows:

Sec. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the sev-

eral States, or with foreign nations, is hereby declared to be illegal: * * *. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a misdemeanor, * * *.

Sec. 2. Every person who shall monopolize, or attempt to monopolize, or combine, or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, * * *.

* * * * *

Sec. 4. The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.
* * *

STATEMENT

This is a civil action brought by the United States under Section 4 of the Sherman Act against Employing Plasterers Association of Chicago (the "Association"), Journeymen Plasterers' Protective and Benevolent Society, Local No. 5, O.P. & C.F.I.A. ("Local No. 5"), and Byron William Dalton. The Association is an incorporated trade association, organized in Illinois, whose membership consists of 39 plastering contractors doing bus-

iness in the Chicago area. Local No. 5 is a trade union whose members (approximately 1,200 journeymen plasterers and plasterers' apprentices) perform substantially all of the plastering work in the Chicago area. Defendant Dalton is the president of Local No. 5.

The complaint charged the defendants with conspiring to restrain interstate commerce in plastering materials shipped from outside the State of Illinois for installation in buildings in the Chicago area, and with conspiring to monopolize such commerce, in violation of Sections 1 and 2 of the Sherman Act. On defendants' motions to dismiss the complaint for failure to state a cause of action, the district court held that the allegations did not show that defendants' conduct had an effect on interstate commerce sufficient to bring their conduct within the reach of the Sherman Act. The court accordingly entered a judgment dismissing the complaint as to all defendants.

The principal allegations of the complaint (admitted by the motion to dismiss) are as follows:²

Plastering contractors are independent entrepreneurs who undertake, pursuant to contractual arrangements with general contractors or builders, to do the plastering work in a building (par. 6). They furnish both the necessary materials and the labor, employing plasterers and their apprentices to perform the actual task of plastering (*ibid.*), In

² A copy of the complaint is attached hereto as Appendix B.

1951, the 39 members of the Association³ did over 60% of the plastering contracting business in the Chicago area, and the dollar volume of their business exceeded \$15,000,000 (pars. 8, 9).

Plastering contractors customarily purchase their materials from building material dealers, who obtain a major part of these materials from out-of-state sources (par. 10). Substantial quantities of these purchases are made "in response and pursuant to prior orders" placed by plastering contractors, and these materials, upon receipt, are "then delivered" to the contractors who ordered them. (Par. 11). The dealers also purchase substantial quantities of materials "in order to meet regular anticipated demand" of plastering contractors, and materials so purchased "move in a continuous flow in interstate commerce" to the plastering contractors (par. 12). Substantial quantities of materials purchased through dealers and obtained from sources outside the state are shipped directly to the "job site" or to the contractor's place of business, and these materials also "flow in a continuous, uninterrupted stream from their origin *** to the site of their installation" (par. 13).

The plastering operation is an integral part of the building construction industry and its performance is necessary to the completion of numerous other essential building operations. A substantial part of the building materials used in such related operations are manufactured outside of Illinois and

³ There are approximately 140 plastering contractors in the Chicago area (par. 8).

shipped into the Chicago area for use or installation. Hence, any restraint upon or interference with the performance of plastering work constitutes a burden and restraint upon the interstate flow of plastering materials and other building materials (Pars. 15-17.)

A number of plastering contractors domiciled outside the State of Illinois specialize in performing large construction jobs in various states. In carrying out their plastering contracts, these firms place orders for shipment of materials to job sites in different states, transport supervisory employees to such sites, and exercise control and supervision from their home offices over performance of contracts in other states. Interference with their ability to enter into or perform plastering contracts in the Chicago area restrains interstate trade and commerce. (Par. 18.)

The defendants are parties to a conspiracy, beginning about 1938, to suppress competition among plastering contractors in the Chicago area and to restrict and exclude persons from engaging in this business, in restraint of interstate commerce in plastering materials, and to monopolize interstate commerce in the sale and distribution of plastering materials utilized in performing plastering contracting work in the Chicago area (par. 19). As a part of this conspiracy the defendants have agreed (a) that no person be permitted to engage in the plastering contracting business in the Chicago area without securing the approval of Local No. 5 and its president; (b) that Local No. 5 refuse to allow

its members to work for any plastering contractor who has not received such approval; (c) that a plastering contractor may not change its "form of business organization" without securing the approval of Local No. 5 and its president; (d) that no Association member work on a job with respect to which the general contractor has an unresolved dispute with another plastering contractor; (e) that Local No. 5 and its president aid in enforcing the foregoing agreement by instituting work slowdowns and other harassing tactics; (f) that out-of-state plastering contractors be excluded from the Chicago area; and (g) that Local No. 5 institute work slowdowns and employ other harassing tactics to keep out-of-state plastering contractors from operating in the Chicago area (par. 20).

To implement their conspiracy, the defendants have adopted and enforced numerous specific rules, regulations and procedures, which they have enforced by means of boycotts, fines, work slowdowns, harassment and intimidation. They have employed such means to compel Association members, general contractors, and out-of-state plastering contractors to adhere to the terms of defendants' conspiracy, and to control and limit the business of plastering contracting in the Chicago area. (Pars. 21-28).

The conspiracy has had the following effects, among others: entry into the plastering business in the Chicago area has been impaired, thwarted, and competition in the business restrained; the right of

out-of-state plastering contractors to perform work in the Chicago area has been impeded; the cost of building construction in that area has been artificially enhanced; and the interstate flow of building materials, including plastering materials, has been unlawfully restrained (par. 29).

THE QUESTION IS SUBSTANTIAL

On the substantiality of the issue presented by this appeal, the Government relies upon and adopts the views set forth in the jurisdictional statement filed in the appeal which it is taking in the related case of *United States v. Employing Lathers Association, et al.* Insofar as the allegations of the complaint in that case pertinent to the interstate commerce question differ from the corresponding allegations of the complaint in the instant case, the latter even more clearly set forth a restraint and monopolization of commerce which is interstate. In the *Lathers Association* case, unlike the instant case, goods coming from other states pass from the purchasing plastering contractors to those to whom they subcontract the lathing work. In addition, the conspiracy charged in the instant case, unlike the *Lathers Association* case, involves excluding from business in the Chicago area contractors located outside the State of Illinois who, in performing contracts in states other than the state of location, ship materials and transport mechanics and supervisory employees in interstate commerce and otherwise engage in interstate transactions (compl., par. 18).

We submit that the question presented by this appeal is substantial and of public importance.

Respectfully submitted,

ROBERT L. STERN,
Acting Solicitor General.

APPENDIX "B"**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA, PLAINTIFF,
v.

**EMPLOYING PLASTERERS ASSOCIATION OF CHICAGO;
JOURNEYMEN PLASTERERS' PROTECTIVE AND BE-
NEVOLENT SOCIETY, LOCAL NO. 5, O.P. & C.F.I.A.;
AND BYRON WILLIAM DALTON, DEFENDANTS.**

Civil Action No. 52 C 1640

Equitable Relief Sought
Filed: July 31, 1952

COMPLAINT

The United States of America, by its attorneys, acting under the direction of the Attorney General, brings this complaint against the defendants named herein, and alleges as follows:

I**JURISDICTION AND VENUE**

1. This complaint is filed and these proceedings are instituted against the defendants named herein under Section 4 of the Act of Congress of July 2, 1890, c. 647, 26 Stat. 209, as amended (15 U.S.C. Sec. 4), entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, in order to prevent and restrain continuing violations by the

defendants, as hereinafter alleged, of Sections 1 and 2 of that Act (15 U.S.C. Secs. 1, 2).

2. The defendants Employing Plasterers Association of Chicago, Journeymen Plasterers' Protective and Benevolent Society, Local No. 5, O.P. & C.F.I.A., and Byron William Dalton, as hereinafter alleged, maintains offices and transact business within the Eastern Division of the Northern District of Illinois and are found therein.

II

DEFENDANTS

3. The following are named as defendants herein:

(a) Employing Plasterers Association of Chicago, a corporation organized and existing under the General Not-for-Profit Corporation laws of the State of Illinois, with its place of business and offices in Chicago, Illinois. Said corporation, sometimes hereinafter referred to as the "Association," is a trade association whose membership consists of 39 plastering contractors doing business in the Chicago area;

(b) Journeymen Plasterers' Protective and Benevolent Society, Local No. 5, O.P. & C.F.I.A., sometimes hereinafter referred to as "Local 5", an unincorporated trade union or association of individuals chartered by and operating under the authority of the Operative Plasterers and Cement Finishers International Association of the United States and Canada. Local 5 has its place of business and

offices in Chicago, Illinois. The membership of Local 5 consists of approximately 1200 journeymen plasterers and plasterers' apprentices who perform substantially all of the plastering work in the Chicago area;

(c) Byron William Dalton, who resides at 1245 North Shore Avenue, Chicago, Illinois. Byron William Dalton is president of Local 5 and was business agent of such local for many years prior to becoming president.

4. Whenever in this complaint it is alleged that the Association or Local 5 did any act or thing, such allegation shall be deemed to mean that such act was done by the respective officers, employees, agents, or representatives of the Association or Local 5.

III

Co-CONSPIRATORS

5. Numerous plastering contractors in the Chicago area, including those plastering contractors who are members of the Association, were co-conspirators in the combination and conspiracy hereinafter alleged.

IV

DEFINITIONS

6. As used herein, the term "plastering contractor" means an independent entrepreneur who is engaged in the business of entering into and performing contracts for the furnishing of plastering materials and the installation thereof in buildings. Such contracts are normally made with general contractors or builders. Plastering contractors func-

tion as managers and owners of businesses and employ journeymen and apprentice plasterers to perform plastering work.

7. As used herein, the term "Chicago area" means that area within the recognized jurisdiction of Local 5. It includes Chicago, Illinois and most of the remaining area of Cook County, Illinois.

V

NATURE OF TRADE AND COMMERCE

8. There are approximately 140 plastering contractors in the Chicago area who are engaged in the business of performing plastering contracts, which involve the furnishing of plastering materials and the installation thereof in buildings. In performing said contracts, said contractors sell and distribute plastering materials, as well as performing the services of installing the same, and said contracts include a charge for the plastering materials as well as the services in the installation thereof. The dollar volume of the plastering contracts entered into by the plastering contractors in the Chicago area in 1951 amounted to more than \$25,000,-000.

9. Approximately 39 of the above referred to plastering contractors in the Chicago area are members of the defendant Association. The dollar volume of plastering contracts entered into by plastering contractors who are members of the defendant Association totalled in excess of \$15,000,000 in 1951, or 60% of the total amount of plastering contracting business in the Chicago area in that year.

10. The materials, herein referred to as plastering materials, supplied by plastering contractors in

the performance of plastering contracts, include gypsum, vermiculite, perlite, gypsum lath, metal lath, lime, cement, cornerites, corner beads, channel irons, and tie-wire. A major part of all of said plastering materials used in the performance of plastering contracts in the Chicago area is produced in States other than the State of Illinois, and is shipped in interstate commerce from said States into the Chicago area for sale and installation therein.

11. Customarily, the plastering materials sold and installed by plastering contractors in the Chicago area are purchased from building material dealers in the area who purchase said materials from out-of-State sources for resale to said plastering contractors and other customers. Substantial quantities of said plastering materials are purchased from out-of-State sources by said building material dealers in response and pursuant to prior orders placed with said dealers by plastering contractors, and, upon receipt of said materials from said out-of-State sources, said materials are then delivered to the plastering contractors who ordered the same.

12. Substantial quantities of plastering materials purchased by plastering contractors in the Chicago area are obtained from building material dealers who have in turn secured said materials from out-of-State sources in order to meet the regular anticipated demand of said plastering contractors. Said plastering materials purchased by such dealers from out-of-State sources to meet the regular anticipated demands of said plastering contractors move in a continuous flow in interstate commerce from

said out-of-State sources to the plastering contractors.

13. Substantial quantities of plastering materials purchased by plastering contractors through building material dealers are obtained from manufacturers, dealers, or other sources outside the State of Illinois who ship directly to the job site or place of business of said contractors in the Chicago area where they are utilized by the plastering contractor in performing plastering contracting work. Said plastering materials sold and installed in the Chicago area flow in a continuous, uninterrupted stream from their origin in States other than the State of Illinois to the site of their installation and use in buildings and other structures in the Chicago area.

14. Consumers of plastering materials ordinarily do not install said materials, and this service is customarily performed by plastering contractors, who employ and supervise skilled labor for this purpose. The service performed by plastering contractors in the Chicago area in distributing, selling, and installing plastering materials, is an integral part of, and necessary to, the movement in interstate commerce of plastering materials which are manufactured in States other than the State of Illinois and which are distributed, sold, and installed in the Chicago area. Thus, plastering contractors are conduits through which plastering materials manufactured and shipped from States other than the State of Illinois are sold and distributed to the consuming public in the Chicago area. Said plastering materials flow in a continuous, uninterrupted stream from their points of origin in States other

than Illinois to their places of installation and use in buildings in the Chicago area.

15. The plastering operation is an integral part of the building construction industry, which, in the Chicago area in 1951, engaged in new building construction and remodeling to the value of approximately a half billion dollars, and the performance of said plastering operation is necessary to the completion of other building operations, including interior painting and decoration and the installation of plumbing fixtures, heating and air conditioning outlets and vents, electrical outlets and fixtures, flooring and interior wood trim, and window and door sashes. A substantial part of all of said building materials and appurtenances is produced in States other than Illinois and is sold and shipped in interstate commerce from said States to the Chicago area for distribution and use in buildings in said area.

16. The installation or use in buildings of said building materials and appurtenances is an integral part of, and necessary to, the movement in interstate commerce of said materials manufactured in States other than the State of Illinois and which are distributed, sold and installed in the Chicago area. Substantial quantities of said building materials and appurtenances flow in a continuous uninterrupted stream from their points of origin in States other than Illinois to the places of installation and use in buildings in the Chicago area.

17. Any restraint upon or disruption in or interference with the performance of plastering work in the Chicago area necessarily and directly restrains and affects the interstate flow of plastering ma-

terials, and also constitutes a direct and substantial burden and restraint upon the interstate flow of all said other building materials and appurtenances entering into the construction of buildings in the Chicago area.

18. There are a number of large plastering contractors located outside of the State of Illinois who engage in performing plastering contracts in many states and who specialize in large construction jobs such as housing projects, office buildings, hospitals, and government buildings. In the performance of such contracts, said contractors from their respective home offices located in States other than Illinois place orders for the shipment of building materials to job sites in different states, transport plastering mechanics and supervisory employees to said job sites, enter into arrangements for financing of their operations, and exercise control and supervision over the performance of said contracts in other states. Said companies are engaged in interstate trade and commerce, and any restraint upon or interference with their ability to enter into or to perform plastering contracts in the Chicago area constitutes a restraint upon interstate trade and commerce.

VI

COMBINATION AND CONSPIRACY

19. Beginning in or about 1938, and continuing to the date of the filing of this complaint, the defendants and their co-conspirators, and others to the plaintiff unknown, have engaged in an unlawful combination and conspiracy to suppress competition among the plastering contractors in the Chi-

cago area, and to restrict and exclude persons from engaging in the plastering contracting business in said area, in unreasonable restraint of the hereinbefore described trade and commerce among the several States, and to monopolize the interstate commerce as hereinbefore described in the sale, distribution and installation of plastering materials utilized in the Chicago area in the performance of plastering contracting work, in violation of Sections 1 and 2 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. Sec. 1 and 2), commonly known as the Sherman Act. Said offenses are continuing and will continue unless the relief herein-after prayer for in this complaint is granted.

20. The aforesaid combination and conspiracy has consisted of a continuing agreement and concert of action among the defendants and their co-conspirators, the substantial terms of which have been that they agree:

(a) That no person or firm be permitted to engage in business as a plastering contractor in the Chicago area without first securing the approval of Local 5 and the defendant Byron Dalton;

(b) That the defendant Local 5 refuse to allow its members to work for any plastering contractor who has not received the approval of Local 5 to enter into or to engage in the plastering contracting business;

(c) That no person or firm approved by Local 5 and the defendant Byron Dalton as a plastering contractor shall thereafter change its form of business organization without first securing the approval of the said defendants;

(d) That none of the members of the defendant Association perform plastering contracting work on any job with respect to which the general contractor has an unresolved dispute with another plastering contractor;

(e) That defendants Local 5 and Byron Dalton aid in the enforcement of the agreement referred to in (d) above, by instituting work slowdowns and other harassing tactics;

(f) That out-of-State plastering contractors be excluded from engaging in the plastering contracting business in the Chicago area;

(g) That Local 5 institute work slowdowns and otherwise harass and intimidate any out-of-State plastering contractor who engages in the plastering business in the Chicago area.

21. During the period of time covered by this complaint and for the purpose of effecting the aforesaid combination and conspiracy, the defendants and their co-conspirators, by agreement and concert of action, have done the things which, as hereinbefore alleged, they conspired to do, and more particularly have done, among others, the acts and things hereinafter described.

22. For many years past, the defendant Local 5 has maintained and enforced rules and regulations which require that any person who wishes to become a plastering contractor in the Chicago area must first appear before a special Contractors Examining Board established by Local 5 and composed exclusively of officers and members of that Local. The approval of that Board is a prerequisite to the ability of any plastering contractor to secure union labor in the Chicago area, or to perform plastering

contracts on union jobs. Local 5 requires that a prospective plastering contractor must have been a member of Local 5 for at least five years before his application to engage in the plastering contracting business will be considered. The defendant Local 5 has denied to numerous persons the right to enter the plastering contracting business in the Chicago area and has denied that right particularly to persons who have not been members of Local 5 for five years.

23. No plastering contractor in the Chicago area who has not first received the approval of the special Contractors Examining Board established by Local 5 can employ journeymen plasterers and apprentices who are members of Local 5, with the exception that plastering contractors who were in the business prior to the inception of this conspiracy have been permitted to employ members of Local 5 and to remain in business.

24. No plastering contractor in the Chicago area is permitted to alter the membership or management of his firm or organize as a corporation without first applying for and securing the approval of Local 5. Plastering contractors who have made such management changes without the prior approval of Local 5 have been subjected to penalties and fines imposed by Local 5.

25. For many years past, the defendant Association and Local 5 have had incorporated into a joint agreement a so-called "original contractor" rule. Under such rule, plastering contractors in the Chicago area, including the members of defendant Association, agree to and are required to boycott and refuse to enter into plastering contracts with any

general contractor on any job on which another plastering contractor has started work or has received a contract unless the original plastering contractor gives his approval to the substitution of the contractor. The rule forces general contractors who may have a dispute with their plastering contractor to accede to the demands of the original plastering contractor by preventing the general contractor from securing the services of a different plastering contractor.

26. This "original contractor" rule is enforced by work slowdowns against any plastering contractor violating the rule, and finding and intimidating union members who work for plastering contractors who are violating the "original contractor" rule.

27. When a general contractor has attempted to escape the effect of the "original contractor" rule by contracting with out-of-State union plastering contractors to do plastering work in the Chicago area, the defendants have harassed and intimidated such out-of-State plastering contractors in order to insure adherence to the "original contractor" rule.

28. Defendants have systematically followed the policy of preventing and discouraging all out-of-State union contractors from seeking or performing plastering contracts in the Chicago area by work slowdowns, fines on union labor, intimidation, and by other means. Defendants have been so successful in excluding out-of-State plastering contractors from the Chicago area by use of tactics such as those described above that no out-of-State plastering contractors have undertaken to perform plastering contracts in the Chicago area for nearly

twenty years except for one veterans hospital, one federal housing project, and one State hospital.

VII

EFFECTS

29. The effects of the aforesaid combination and conspiracy, among others, have been as follows:

(a) The right of out-of-State plastering contractors to come into the Chicago area and perform plastering work has been unlawfully restrained and impeded.

(b) Competition among plastering contractors in the Chicago area has been unlawfully restrained, and the traditional American right of a person to enter into a business of his own choice without hindrance by illegal restraints of trade has been impaired and thwarted.

(c) The flow in interstate trade and commerce of building materials used in the building industry, including materials used by the plastering industry, has been unlawfully restrained.

(d) The cost of building construction in the Chicago area has been artificially and illegally increased.

(e) The public has been denied the benefits in the construction industry in the Chicago area which would result from competition free from illegal restraints in the plastering phases of the building construction industry.

PRAYER

WHEREFORE, plaintiff prays:

1. That the Court adjudge and decree that the aforesaid combination and conspiracy entered into by the defendants and all the acts done pursuant thereto constitute an unlawful restraint of interstate trade and commerce in violation of Sections 1 and 2 of the Sherman Act.
2. That the defendants and each of them, and their directors, officers, and agents, and employees, be enjoined from continuing, renewing or reviving the unlawful combination and conspiracy hereinbefore alleged, or any combination or conspiracy having a similar purpose or effect.
3. That the defendants and each of them be enjoined from continuing in effect, or maintaining or enforcing the so-called "original contractor rule" or restriction or any other rule or restriction having a similar purpose or effect.
4. That the defendants Byron Dalton and Local 5 be ordered to dissolve the so-called special Contractors Examining Board, and that the defendants and each of them be hereafter enjoined from creating or maintaining or taking part in the creation or maintenance of any other board or group which takes action or makes recommendation for the purpose or with the effect of excluding persons or firms from engaging in the plastering contractors business, or which takes action or makes recommendation for

the purpose or with the effect of determining or passing upon the qualifications of any person or company to engage in the plastering contracting business; provided, however, that the judgment entered in this cause shall not prohibit Local 5 from entering into agreements with existing or prospective plastering contractors relating to wages, hours, and other legitimate terms of working conditions.

5. That the defendants be enjoined from adopting, maintaining, or enforcing any rule or restriction, or taking any action, having the purpose or effect of preventing or restricting members of Local 5 or any other persons from engaging in the plastering contracting business.

6. That the defendants and each of them be enjoined from harassing, intimidating, hindering, or preventing any out-of-State plastering contractor from submitting bids for, or entering into contracts for the performance of, or performing, plastering work in the Chicago area.

7. That the Court enter such orders with respect to the rules, by-laws, and charter of the defendant Association and of defendant Local 5 as is necessary to carry out and enforce the terms of the judgment entered in this cause.

8. That the plaintiff have such other, further and different relief as the nature of the case may require and the Court may deem appropriate in the premises.

9. That the plaintiff recover the costs of this suit.

(S.) WILLIS L. HOTCHKISS,
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